



BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewal of Information Collection; Comment Request; Information Collection for Self-Certification to the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Direct all written comments to Towanda Carey, ITA Paperwork Clearance Officer, Department of Commerce, OCFAO, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at PRAccomments@doc.gov). Comments will generally be posted without change. Please do not include information of a confidential nature, such as sensitive personal information or proprietary information. All Personally Identifiable Information (for example, name and address) voluntarily submitted may be publicly accessible.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to David Ritchie, Department of Commerce, International Trade Administration, via e-mail at privacyshield@trade.gov, or tel. 202-482-1512.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States, the European Union (EU), and Switzerland share the goal of enhancing privacy protection for their citizens but take different approaches to doing so. Given those differences, the Department of Commerce (DOC) developed the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks (Privacy Shield) in consultation with the European Commission, the Swiss Administration, industry, and other stakeholders. Privacy Shield provides U.S. organizations a reliable mechanism for personal data transfers to the United States from the EU and Switzerland, while ensuring data protection that is consistent with EU and Swiss law.

The European Commission and Swiss Administration deemed the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework adequate to enable data transfers under EU and Swiss law, respectively, on July 12, 2016 and on January 12, 2017. The DOC began accepting self-certification submissions for the EU-U.S. Privacy Shield on August 1, 2016, and for the Swiss-U.S. Privacy Shield on April 12, 2017. More information on the Privacy Shield is available at: <https://www.privacyshield.gov/welcome>.

The DOC issued the Privacy Shield Principles under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. § 1512). The International Trade Administration (ITA) administers and supervises the Privacy Shield, including maintaining and making publicly available an authoritative list of U.S. organizations that have self-certified to the DOC. U.S. organizations submit information to ITA to self-certify their compliance with Privacy Shield.

U.S. organizations considering self-certifying to the Privacy Shield should review the Privacy Shield Framework. In summary, to participate, an organization must (a) be subject to the

investigatory and enforcement powers of the Federal Trade Commission, the Department of Transportation, or another statutory body that will effectively ensure compliance with the Principles; (b) publicly declare its commitment to comply with the Principles; (c) publicly disclose its privacy policies in line with the Principles; and (d) fully implement them.

Self-certification is voluntary; however, an organization's failure to comply with the Principles after its self-certification is enforceable under Section 5 of the Federal Trade Commission Act prohibiting unfair and deceptive acts in or affecting commerce (15 U.S.C. § 45(a)) or other laws or regulations prohibiting such acts.

To rely on the Privacy Shield for transfers of personal data from the EU and/or Switzerland, an organization must self-certify its adherence to the Principles to the DOC, be placed on the Privacy Shield List, and remain on the Privacy Shield List. To self-certify for the Privacy Shield, an organization must provide to the DOC the information specified in the Privacy Shield Principles via the self-certification form.

ITA has committed to follow up with organizations that have been removed from the Privacy Shield List. ITA sends questionnaires to organizations that fail to complete the annual certification or that have withdrawn from the Privacy Shield to verify whether they will return, delete, or continue to apply the Principles to the personal information that they received while they participated in the Privacy Shield. If personal information will be retained, ITA asks organizations to verify who within the organization will serve as an ongoing point of contact for Privacy Shield-related questions.

In addition, ITA has committed to conduct compliance reviews on an ongoing basis, including through sending detailed questionnaires to participating organizations. Such compliance reviews take place when: (a) the DOC receives specific non-frivolous complaints

about an organization's compliance with the Principles, (b) an organization does not respond satisfactorily to DOC inquiries for information relating to the Privacy Shield, or (c) there is credible evidence that an organization does not comply with its commitments under the Privacy Shield.

II. Method of Collection

The Privacy Shield self-certification is submitted electronically by organizations through the DOC's Privacy Shield website (<https://www.privacyshield.gov/>). The Privacy Shield questionnaires and the corresponding responses provided by organizations are conveyed electronically via e-mail or through the DOC's Privacy Shield website.

III. Data

OMB Control Number: 0625-0276.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Primarily businesses or other for-profit organizations.

Estimated Number of Respondents: 5,100.

Estimated Time Per Response: 40 minutes.

Estimated Total Annual Burden Hours: 3,412.

Estimated Total Annual Cost to Public: \$7,173,250.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility,

and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

*Department PRA Clearance Officer,
Office of the Chief Information Officer,
Commerce Department.*

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